

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

William Scott Hardy (W. Scott Hardy)

2. **Position:** State the position for which you have been nominated.

District Judge for United States District Court for the Western District of Pennsylvania.

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: Ogletree, Deakins, Nash, Smoak & Stewart P.C.  
One PPG Place  
Suite 1900  
Pittsburgh, Pennsylvania 15222

Residence: Gibsonia, Pennsylvania

4. **Birthplace:** State year and place of birth.

1971; Pittsburgh, Pennsylvania

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1993 – 1996, Notre Dame Law School; J.D., 1996

1989 – 1993, Allegheny College; B.A. (*magna cum laude*), 1993

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2010 – Present  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One PPG Place  
Suite 1900  
Pittsburgh, Pennsylvania 15222  
Board of Directors (2018 – Present)  
Pittsburgh Office Managing Shareholder (2012 – 2018)  
Shareholder (2010 – Present)

1997 – 2010  
Cohen & Grigsby, P.C.  
625 Liberty Avenue  
Pittsburgh, Pennsylvania 15222  
Deputy Group Head, Labor and Employment Practice Group (2007 – 2010)  
Director (Partner) (2004 – 2010)  
Associate (1997 – 2003)

1996 – 1997  
Meyer Unkovic & Scott, LLP  
535 Smithfield Street, Suite 1300  
Pittsburgh, Pennsylvania 15222  
Associate

Summer 1995  
Meyer Unkovic & Scott, LLP  
535 Smithfield Street, Suite 1300  
Pittsburgh, Pennsylvania 15222  
Summer Associate

Summer 1994  
Honorable Timothy K. Lewis  
United States Court of Appeals for the Third Circuit  
Joseph F. Weis, Jr. United States Courthouse  
700 Grant Street  
Pittsburgh, Pennsylvania 15219  
Summer Judicial Law Clerk (Unpaid Internship)

Summer 1994  
Honorable Gustave Diamond  
United States District Court for the Western District of Pennsylvania  
Joseph F. Weis, Jr. United States Courthouse  
700 Grant Street  
Pittsburgh, Pennsylvania 15219  
Summer Judicial Law Clerk (Unpaid Internship)

Summer 1993  
City of Pittsburgh  
Department of Parks and Recreation  
414 Grant Street  
459 City-County Building  
Pittsburgh, Pennsylvania 15219  
Summer Food Service Program Monitor

Other Affiliations (Uncompensated):

2017 – Present  
Aquinas Academy of Pittsburgh  
Board of Directors (2018 – Present)  
Advisory Board (2017)

2014 – Present  
Knights of Columbus at St. Richard's Parish (Council No. 15912)  
Chapter Counsel (approximately 2014 – Present)

2016 – 2019  
Field Brook Farms Homeowners Association  
Board Member (2016 – 2019)

2009 – Present  
Boy Scouts of America, Laurel Highlands Council (formerly known as the Greater Pittsburgh Council)  
President of the Board (2019 – Present)  
Executive Vice President of Board (2018 – 2019)  
Vice President of Operations of Board (approximately 2017 – 2018)  
Executive Board Member (approximately 2015 – Present)  
Board Member (2009 – Present)

2003 – 2019  
American Inns of Court, Dean W. Edward Sell Pittsburgh Chapter  
Executive Board (2003 – 2019)  
President (2006 – 2008)  
Vice President (2004 – 2005)

1998 – 2012  
Good Samaritan Hospice of Pittsburgh  
Board Member (1998 – 2012)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for the selective service when turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

H. Clay Johnson Scholarship, Notre Dame Law School (1993 – 1996)

Degree from Allegheny College conferred *magna cum laude* (1993)

Allegheny College

Distinguished Alden Scholar (1990 – 1991, 1992 – 1993)

Alden Scholar (1989 – 1990, 1991 – 1992)

Larue L. Smith Scholarship

Albert & Ambrosinia Colecchia Scholarship

Clarence Frisbee Ross Award (Awarded to One of the Top Ten Ranked Men in Junior Class) (1992)

George R. Coon Award (Football Team) (1992)

Eagle Scout (approximately 1986)

Martindale-Hubbell AV Rating (2007 – Present)

Best Lawyers in America (2009 – Present)

Super Lawyers (2009 – 2019)

Pittsburgh Super Lawyers Top 50 List (2018)

Acritas Stars Report (2019)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2010 – Present)

American Bar Foundation, Fellow (approximately 2007 – Present)

Allegheny County Bar Association (1996 – Present)

Judiciary Committee (2014 – 2017)

Federal Court Section Council Member (2008 – 2011)

Civil Subcommittee Chair for Third Circuit Review Program (2014 – Present)

Young Lawyers Division Council Member (2000 – 2002)

Allegheny County Bar Foundation, Fellow (approximately 2009 – Present)

American Health Lawyers Association (approximately 2006 – Present)  
Editorial Advisory Board, “Federal Healthcare Laws & Regulation” (2007 – Present)  
Labor & Employment Practice Group, Vice Chair (2006 – 2012)

American Inns of Court, Dean W. Edward Sell Chapter (formerly, University of Pittsburgh Chapter before a merger with the Hay-Pittsburgh Chapter) (1999 – Present)  
Executive Board (2003 – 2019)  
President (2006 – 2008)  
Vice President (2004 – 2005)  
Member (approximately 1999 – Present)

American Inns of Court, Hay – Pittsburgh Chapter  
Member (approximately 1997 – 1999)

Federal Bar Association (2001 – Present)

National Association of College and University Attorneys (2012 – Present)

Pennsylvania Bar Association (1997 – Present)

West Virginia Bar Association (2009 – Present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Pennsylvania, 1997  
West Virginia, 2009

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

The Supreme Court of the United States, 2002  
United States Court of Appeals for the Third Circuit, 1999  
United States Court of Appeals for the Sixth Circuit, 2012  
United States District Court for the Eastern District of Michigan, 2013  
United States District Court for the Middle District of Pennsylvania, 2011  
United States District Court for the Western District of Pennsylvania, 1996  
United States District Court for the Northern District of West Virginia, 2010

United States District Court for the Southern District of West Virginia, 2009

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Aquinas Academy of Pittsburgh (2009 – Present)

Board of Directors (2018 – Present)

Advisory Board (2017)

Aquinas Academy Parents' Association (approximately 2009 – Present)

Boy Scouts of America, Laurel Highlands Council (formerly known as the Greater Pittsburgh Council) (1998 – Present)

President of the Board (2019 – Present)

Executive Vice President of Board (2018 – 2019)

Vice President of Operations of Board (approximately 2017 – 2018)

Executive Board Member (approximately 2015 – Present)

Board Member (2009 – Present)

Membership Standards Committee (1998 – approximately 2010)

Scouting for Food Program, Law Firm Subcommittee Chair (2007 – approximately 2010)

2010 “Campaganza Program” Co-Chair (2009 – 2010)

Eagle Dinner Table Sales Committee (2006 – approximately 2010)

Pro Bono Legal Counsel (2009 – Present)

Duquesne Club (2017 – Present)

Engineers' Society of Western Pennsylvania, Associate member (2013 – Present)

Field Brook Farms Homeowners Association, Board Member (approximately 2016 – 2019)

Good Samaritan Hospice of Pittsburgh, Board Member (1998 – 2012)

Knights of Columbus at St. Richard's Parish (Council No. 15912), Chapter Counsel (approximately 2014 – Present)

Notre Dame Club of Pittsburgh, member (approximately 1997 – Present)

Order of Malta, Federal Association, U.S.A. (2016 – Present)  
Member (2018 – Present)  
Volunteer and candidate for membership (2016 – 2018)

Pike Run Country Club (2016 – Present)

Pittsburgh Technology Council, HR Advisory Network Member (2002 – 2003)

Richland Swim Club (approximately 2013 – Present)

Serra Club of Pittsburgh, former member (approximately 2009 – 2010)

YMCA, Y-Princess Program (approximately 2009 – 2017)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

The Boy Scouts of America (“BSA”) trains youth in responsible citizenship, character development, and self-reliance through participation in a wide range of outdoor activities, educational programs, and, at older age levels, career-oriented programs in partnership with community organizations. The BSA was founded in 1910. Girls began participating in certain programs by 1969 and now fully participate in all scouting programs.

The Knights of Columbus is a Catholic fraternal service organization limited to men. There are similar organizations for women.

The Order of Malta is a Catholic service organization that traces its roots back to the Middle Ages. It began to admit women in 1986, long before I became affiliated with the Order.

To the best of my knowledge, none of the organizations listed above currently discriminates or during my tenure of membership formerly discriminated invidiously on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

With Hera S. Arsen, PhD. and Hanna B. Raanan, *Baseball Players Strike Out on Minimum Wage in Federal Spending Legislation*, Ogletree Deakins Insights, May 11, 2018. Copy supplied.

With Lisa Karen Atkins and Anthony B. Byergo, *NLRB Regional Director Rules College Football Players Can Unionize*, Ogletree Deakins Insights, March 27, 2014. Copy supplied.

With Marie Rivera-Johnson, *Trying to Keep Up with the Slew of Labor & Employment-Related Legislation*, Labor and Employment Newsletter (2008). Copy supplied.

With John E. Lyncheski, *Successful Strategies for Dealing with Government Agencies in Health Care Labor and Employment Law*, chapter in *Successful Strategies for Dealing with Government Agencies in Health Care Law*, Aspatore Books' *Inside the Minds* Series (2007). Copy supplied.

With Robert R. Niccolini and Scotty Shively, *Supreme Court Clears the Tracks for Oncoming Retaliation Claims: Will Your Workplace Be Ready?* Health Lawyers News, Oct. 2006. Copy supplied.

With Matthew H. Hawes, *Morelli v. Cedel: Ignoring Jurisdictional Limits and Outflanking Congress Towards The Internationalization of the ADEA*, 65 Univ. of Pitt. L. Rev. 507 (2004). Copy supplied.

*Human Resources Beware: Ignoring Whistleblower Protections May Be Criminal in the Post-Enron Era*, Cohen & Grigsby Review, Winter 2002. Copy supplied.

*Be Prepared: An Old Motto to Embrace in this New Era of Crisis Management*, Hospital News, Dec. 20, 2001, also reprinted in the Cohen & Grigsby Review. Copy supplied.

With John E. Lyncheski, *Changing the Rules of the Game: Supreme Court Spoils the PGA Tour's Walk*, Pittsburgh Sports Report, July 2001. Copy supplied.

With John E. Lyncheski, *Workplace Violence: Practical Advice for a Problem with Dire Legal Consequences*, Healthcare Law Monthly, Matthew Bender & Company, Inc., May 2001. Copy supplied.

With James B. Brown, *The Supreme Court Offers Some Advice: Juries Will Punish Employers For Exercising Poor Judgment*, Assisted Living Success, Apr. 2001, also reprinted in Cohen & Grigsby Review. Copy supplied.

*Compliance Programs and Codes of Ethics: Corporate Protection From Employee Misdeeds*, Cohen & Grigsby Review, Winter 2000. Copy supplied.

With John E. Lyncheski, *Be Safe, Not Sorry – Is Your Workplace Vulnerable to Violence?*, Assisted Living Success, Nov. 2000. Copy supplied.

With John E. Lyncheski, *Personal Fouls: The On-Field Consequences of Off-Field Conduct*, Pittsburgh Sports Report, Aug. 2000. Copy supplied.

With John E. Lyncheski, *Now's the Time to Audit Your Workplace for Vulnerability to Violence*, Cohen & Grigsby Review, Summer 2000. Copy supplied.

*Workplace Privacy – Get the Legal Scoop Before You Snoop*, Assisted Living Success Magazine, April 2000. Copy supplied.

*The Pennsylvania Wage Payment and Collection law – A Law Whose Bite Is Worse Than Its Bark*, Cohen & Grigsby Review, Winter 1999. Copy supplied.

With John E. Lyncheski, *The Postman Syndrome*, ADVANCE for Providers of Post-Acute Care, Sept. 1999. Copy supplied.

With John E. Lyncheski, *Zero Tolerance: The Best Medicine for Workplace Violence*, Assisted Living Success, Sept. 1999. Copy supplied.

With John E. Lyncheski, *Zero Tolerance: The Best Medicine for Workplace Violence*, Cohen & Grigsby Review, Summer/Fall 1999. Copy supplied.

With Gordon S. Johnston, *Credit and Criminal Records: What You Need to Know Before Hiring*, Cohen & Grigsby Review, Spring 1998. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal

interpretation, that you have issued or provided or that others Presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

September 27, 2019: Presenter, "Introduction and the Year in Review with a Look to the Year Ahead," Labor and Employment Law Briefing, Ogletree Deakins, Hershey, Pennsylvania. Presentation slides supplied

October 11, 2019: Co-Presenter, "Top Ten Employment & Labor Issues Impacting Healthcare Employers in 2019 and Beyond," Annual Statewide Conference, Society of Healthcare Human Resource Professionals of Pennsylvania, Toftrees, State College, Pennsylvania. Presentation slides supplied.

September 16, 2019: Speaker, Closing Reception at the 2019 Boy Scouts of America Scouting Golf Classic. I delivered brief remarks thanking the sponsors, volunteers, and participants at the event, and I recognized volunteer committee members who planned and organized the event. I have no notes, transcript, or recording. Similarly, from 2017 to present, and at infrequent times before then, I occasionally have delivered brief remarks at various Scouting events, typically to thank sponsors and volunteers for their support of Scouting. I have no notes, transcripts, or recordings. The address of the Boy Scouts of America is Post Office Box 152079, Irving, Texas 75015

May 2, 2019: Moderator, Lunch and Keynote Address by Cheryl Boone Isaacs, "From Risk to Opportunity: Leading Through Crises," Ogletree Deakins Workplace Strategies Seminar, Bellagio Hotel, Las Vegas, Nevada. I moderated Cheryl Boone Isaacs' address and did not present any material or commentary of my own. I have no notes, transcript, or recording. The address for Ogletree Deakins' Las Vegas Office is 3800 Howard Hughes Parkway, Suite 1500, Las Vegas, Nevada 89169.

February 21, 2019: Group Presentation, "Me Too," W. Edward Sell Chapter of the American Inns of Court, University of Pittsburgh School of Law, Pittsburgh, Pennsylvania. I presented a summary of employment laws applicable to workplace harassment. I have no notes, transcript, or recording. The address for

the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

November 9, 2018: Panelist, "Escaping the Retaliation Merry-Go-Round", Ogletree Deakins Corporate Labor and Employment Counsel Exclusive, La Quinta Resort and Club, Palm Springs, California. Presentation materials and slides supplied.

September 13, 2018: Co-Presenter, "New Trends and Legal Pitfalls Surrounding Performance Management," Labor and Employment Law Briefing, Ogletree Deakins, Pittsburgh, Pennsylvania. Presentation slides supplied.

May 11, 2018: Co-Presenter, "Critical HR Competencies: Identifying, Recruiting, and Cultivating the HR Superstar," Ogletree Deakins Workplace Strategies Seminar, Biltmore Hotel, Phoenix, Arizona. Presentation slides supplied.

April 3, 2018: Co-Presenter, "We're #1! Retaliation Claims Top the List Again," Ogletree Deakins Webinar. Presentation slides supplied.

November 9, 2017: Panelist, "The Never-Ending Story: Litigating Retaliation Claims", Ogletree Deakins Corporate Labor and Employment Counsel Exclusive, Boca Raton Resort & Club, Boca Raton, Florida. Written materials and presentation slides supplied.

November 1, 2017: Co-Presenter, "Summary Judgment Land," Employment Law West 2017, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. Presentation slides supplied.

May 5, 2017: Panelist, "Surf The Retaliation Wave – Without Getting Caught In The Tide!" Workplace Strategies, Ogletree Deakins Workplace Strategies Seminar, Grand Hyatt, San Diego, California. Written materials and Presentation slides supplied.

March 28, 2017: Speaker, "2016 in Review, 2017 Coming Into Focus" and Panelist, "Traditional Labor Relations Panel Discussion," Labor and Employment Law Briefing, Pittsburgh, Pennsylvania. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for Ogletree Deakins is One PPG Place, Suite 1900, Pittsburgh, Pennsylvania.

February 2017: Co-Presenter, "Best Practices and Strategies for Minimizing Employers' Number One Risk: Retaliation Charges", Ogletree Deakins Webinar. Presentation slides supplied.

November 22, 2016: Presenter, "Introduction and the Year in Review with a Look to the Year Ahead," Labor and Employment Law Briefing, Ogletree Deakins, Cranberry, Pennsylvania. Presentation slides supplied.

October 6, 2016: Presenter, "Introduction and the Year in Review with a Look to the Year Ahead," Labor and Employment Law Briefing, Ogletree Deakins, Canonsburg, Pennsylvania. Presentation slides supplied.

May 5, 2016: Panelist, "Avoiding Employers' Number 1 Risk – Retaliation Claims", Ogletree Deakins Workplace Strategies Seminar, Chicago Marriott Downtown, Chicago, Illinois. Written materials and presentation slides supplied.

April 6, 2016: Speaker, "Introduction and the Year in Review with a Look to the Year Ahead," and Panelist, "Employment Law Panel Discussion," Labor and Employment Law Briefing, Ogletree Deakins. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for Ogletree Deakins is One PPG Place, Suite 1900, Pittsburgh, Pennsylvania.

October 27, 2015: Speaker, "Introduction and the Year in Review with a Look to the Year Ahead," Labor and Employment Law Briefing, Ogletree Deakins, Hershey, Pennsylvania. Presentation slides supplied.

May 13, 2015: Group Presenter, "Did You Really Just Say That? An Interactive Look at Handling Sexual Harassment Complaints," Ogletree Deakins Workplace Strategies Seminar, Grand Hyatt San Antonio, San Antonio, Texas. Written materials and presentation slides supplied.

April 14, 2015: Speaker, "Introduction and the Year in Review - With a Look to the Year Ahead," Labor and Employment Law Briefing, Ogletree Deakins, Pittsburgh, Pennsylvania. Presentation slides supplied

November 18, 2014: Co-Presenter, "Hey, What's Your ERISA Doing in My HR Matter?" The Intersection of Employee Benefits and Labor & Employment Law," Labor and Employment Law Briefing, Ogletree Deakins, Canonsburg, Pennsylvania. I spoke about current issues in employment law pertaining to employee benefits matters. I have no notes, transcript, or recording. The address for Ogletree Deakins is One PPG Place, Suite 1900, Pittsburgh, Pennsylvania.

November 4, 2014: Co-Presenter, "Don't Bet on Lady Luck: Will Your Non-Union Handbook Survive NLRB Scrutiny?" Labor and Employment Law Briefing, Ogletree Deakins, Latrobe, Pennsylvania. I spoke about the application of the National Labor Relations Act to employment policies. I have no notes, transcript, or recording. The address for Ogletree Deakins is One PPG Place, Suite 1900, Pittsburgh, Pennsylvania.

May 9, 2014: Panelist, "Top 10 Tips for Avoiding (or Minimizing) Employment Litigation," Ogletree Deakins Workplace Strategies Seminar, Bellagio Hotel, Las Vegas, Nevada. Written materials and presentation slides supplied.

March 26, 2014: Presenter, "Angels & Demons: Handling Accommodation Requests and Avoiding Religious Discrimination Claims," Labor and Employment Law Briefing, Ogletree Deakins, Pittsburgh, Pennsylvania. Presentation slides supplied.

November 2013: Co-Presenter, "Plaintiff and Defense Perspectives," Pennsylvania Bar Institute, Employment Law Institute West, Pittsburgh, Pennsylvania. I spoke about employment litigation issues. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

October 2013: Speaker, "Labor & Employment Update," Annual Statewide Conference, Society of Healthcare Human Resource Professionals of Pennsylvania, Bedford Springs, Pennsylvania. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the Society of Healthcare Human Resources Professionals of Pennsylvania is c/o P. Maxwell, 515 Wood Street, Ellwood City, Pennsylvania 16117.

May 10, 2013: Moderator, "Emerging Professional Responsibility Issues In Employment Litigation," Ogletree Deakins Workplace Strategies Seminar, The Roosevelt New Orleans, New Orleans, Louisiana. Written materials and Presentation slides supplied.

April 11, 2013: Speaker, "EEOC's Enforcement Priorities" Labor and Employment Law Briefing, Ogletree Deakins, Pittsburgh, Pennsylvania. Presentation slides supplied.

November 2012: Co-Presenter, "Plaintiff and Defense Perspectives," Pennsylvania Bar Institute, Employment Law West, Pittsburgh, Pennsylvania. I spoke about employment litigation issues. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

October 2012: Speaker, "Labor & Employment Update," Annual Statewide Conference, Society of Healthcare Human Resource Professionals of Pennsylvania, Bedford Springs, Pennsylvania. I spoke about current employment and labor law issues. I have no notes, transcript, or recording. The address for the Society of Healthcare Human Resource Professionals of Pennsylvania is c/o P. Maxwell, 515 Wood Street, Ellwood City, Pennsylvania 16117.

September 2012: Presenter, "Labor & Employment Law Update," Montana State Bar Annual Meeting, Billings, Montana. Presentation slides supplied.

May 2012: Co-Presenter, "Screening Practices Under Attack – What Can Employers Use to Make Hiring Decisions?" Upper Midwest Employment Law Institute, St. Paul, Minnesota. I spoke about employment laws applicable to

hiring decisions. I have no notes, transcript, or recording. The address for the Upper Midwest Employment Law Institute is 2550 University Avenue West, Suite 160-S, St. Paul, Minnesota 55114.

April 11, 2012: Co-Presenter, "USERRA: Return of the Veterans. A Refresher on Uniformed Service Members' Rights and Employers' Obligations Under USERRA," Employment Law Briefing, Ogletree Deakins, Pittsburgh, Pennsylvania. Presentation slides supplied.

November 2011, Co-Panelist, "360 Degree View of an Employment Case," Employment Law West, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. I spoke about employment litigation issues. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

October 2011: Speaker, "Wellness Programs," Annual Statewide Conference, Society of Healthcare Human Resource Professionals of Pennsylvania, Bedford Springs, Pennsylvania. I spoke about employment law issues applicable to employer sponsored wellness programs. I have no notes, transcript, or recording. The address for the Society of Healthcare Human Resource Professionals of Pennsylvania is c/o P. Maxwell, 515 Wood Street, Ellwood City, Pennsylvania 16117.

October 18, 2011: Presenter, "Intermittent FMLA Leave: A Deeper Dive," Labor and Employment Law Briefing, Ogletree Deakins, Pittsburgh, Pennsylvania. I spoke about employment laws applicable to employee leaves of absence. I have no notes, transcript, or recording. The address for Ogletree Deakins is One PPG Place, Suite 1900, Pittsburgh, Pennsylvania.

June 7, 2011: Co-Presenter, "Labor Law Aspects of Buying and Selling Corporate Assets," Pittsburgh Chapter of the Association of Corporate Counsel, Pittsburgh, Pennsylvania. Presentation slides supplied.

May 12, 2011: Co-Presenter, "Screening Practices Under Attack – What Can Employers Use to Make Hiring Decisions?" Ogletree Deakins Workplace Strategies Seminar, Fairmont Chicago, Millennium Park, Chicago, Illinois. Written materials and presentation slides supplied.

April 13, 2011: Speaker, "Using Background Checks to Hire Good People Within Legal Boundaries," Labor and Employment Law Briefing, Ogletree Deakins, Pittsburgh, Pennsylvania. Presentation slides supplied.

November 2010: Co-Presenter, "Retaliation Issues," Employment Law West, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. I spoke about current developments in employment laws involving retaliation claims. I have no notes,

transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

October 13, 2010: Presenter, "The Benefits & Perils of Social Media in the Workplace: Tweets, Texts, Blogs, and Facebook Firings," Ogletree Employment Briefing, Ogletree Deakins, Pittsburgh, Pennsylvania. Presentation slides supplied.

April 2010: Co-Presenter, "Labor & Employment Issues Impacting Long Term Care Facilities" and "FLSA Update," American College of Health Care Administrators, Convocation, Philadelphia, Pennsylvania. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for ACHCA is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

March 2010: Co-Presenter, "Labor & Employment Law Update," American College of Health Care Administrators, Annual Convention, New York. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the American College of Health Care Administrators is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

January 2010: Group Presentation, "Employment Law," W. Edward Sell Chapter of the American Inns of Court, Federal Courthouse, Pittsburgh, Pennsylvania. I spoke about current issues in employment law. I have no notes, transcript, or recording. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

July 2009: Co-Moderator, "Plain Talk on Depositions," Federal Court Section, Allegheny County Bar Association, Pittsburgh, Pennsylvania. I spoke about depositions. I have no notes, transcript, or recording. The address for the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

May 2009: Group Presentation, "Bankruptcy and Insolvency Proceedings," W. Edward Sell Chapter of the American Inns of Court, Pittsburgh, Pennsylvania. I participated in a presentation involving bankruptcy law issues. I have no notes, transcript, or recording. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

2009: Presenter, "Hot Topics in Healthcare: Legal and HR Challenges," Southwestern Pennsylvania Organization of Nurse Leaders, Pittsburgh, Pennsylvania. I spoke about current issues in employment law and human resource practices. I have no notes, transcript, or recording. The address for the Southwestern Pennsylvania Organization of Nurse Leaders is 2400 Ardmore Boulevard, Suite 302, Pittsburgh, Pennsylvania 15221.

2009: Presenter, "Labor & Employment Law Update," American College of Healthcare Administrators. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the American College of Healthcare Administrators is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

2009: Co-Presenter, "Labor & Employment Update: What's Here and On the Horizon," Butler County Pennsylvania Chamber of Commerce, Butler, Pennsylvania. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the Butler County Chamber of Commerce is 101 East Diamond Street, Lower Level, Suite 116, Post Office Box 1082, Butler, Pennsylvania 16003.

2009: Presenter, "HR Update," Chapter Meeting, Northwest Pennsylvania Healthcare Human Resource Society, Western Pennsylvania. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the Society of Healthcare Human Resource Professionals of Pennsylvania is c/o P. Maxwell, 515 Wood Street, Ellwood City, Pennsylvania 16117.

2008: Co-Presenter, "Labor & Employment Issues," Leadership Healthcare Pittsburgh, Pittsburgh, Pennsylvania. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. I have no record of the address for Leadership Healthcare Pittsburgh, nor do I believe this organization presently exists.

2008: Presenter, "Long Term Care Labor & Employment Update," Pennsylvania Directors of Nursing Association. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the Pennsylvania Directors of Nursing Association is 21863 Deer Run Lane, Shade Gap, Pennsylvania 17255.

2008: Co-Presenter, "Employment Laws 101," Ohio Health Care Association. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for Ohio Health Care Association is 55 Green Meadows Drive South, Post Office Box 447, Lewis Center, Ohio 43035.

2008: Co-Presenter, "Employees and Independent Contractors," American Association for Homes and Services for the Aging. I spoke about current issues in employment law pertaining to proper classification of employees. I have no notes, transcript, or recording. The address for the American Association for Homes and Services for the Aging is 2519 Connecticut Avenue, NW, Washington, D.C. 20008.

2008: Teleconference Co-Presenter: "Labor Laws for Non-Unionized Employers," American College of Health Care Administrators. I spoke about

compliance with the National Labor Relations Act. I have no notes, transcript, or recording. The address for American College of Health Care Administrators is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

May 2008: Co-Presenter, "Labor & Employment Topics," Annual Convocation, American College of Health Care Administrators, Cincinnati/Northern Kentucky. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the American College of Health Care Administrators is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

2008: Co-Presenter, "Labor & Employment Topics," Annual Winter Marketplace, American College of Health Care Administrators. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the American College of Health Care Administrators is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

December 2007: Co-Presenter, "Labor & Employment Topics," American College of Health Care Administrators. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the American College of Health Care Administrators is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

October 2007: Presenter, "Long Term Care Labor & Employment Update," Pennsylvania Directors of Nursing Association. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the Pennsylvania Directors of Nursing Association is 21863 Deer Run Lane, Shade Gap, Pennsylvania 17255.

October 2007: Co-Presenter, "Employment Laws for Long Term Care Providers," American Association for Homes and Services for the Aging. I spoke about current issues in employment law. I have no notes, transcript, or recording. The address for the American Association for Homes and Services for the Aging is 2519 Connecticut Avenue, NW, Washington, D.C. 20008.

October 2007: Co-Presenter, "Effective Discipline and Discharge Practices," American Association for Homes and Services for the Aging. I spoke about current issues in labor and employment law and human resource issues involving employee discipline. I have no notes, transcript, or recording. The address for the American Association for Homes and Services for the Aging is 2519 Connecticut Avenue, NW, Washington, D.C. 20008.

August 2007: Teleconference Moderator, "Lessons Non-Union Employers Can Learn from Unionized Employers," American Health Lawyers Association. I spoke about compliance with the National Labor Relations Act. I have no notes,

transcript, or recording. The address for American Health Lawyers Association is 1620 I Street, NW, Sixth Floor, Washington, D.C. 20006.

June 2007: Presenter, "Hiring Right and Firing Right," Pennsylvania Association of Non-Profit Homes for the Aged. I spoke about current issues in labor and employment law and human resource issues involving employee discipline. I have no notes, transcript, or recording. The address for the Pennsylvania Association of Non-Profit Homes for the Aged is 1100 Bent Creek Boulevard, Mechanicsburg, Pennsylvania 17050.

March 2007: Co-Presenter, "Labor & Employment Issues," Leadership Healthcare Pittsburgh, Pittsburgh, Pennsylvania. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. I have no record of the address for Leadership Healthcare Pittsburgh, nor do I believe this organization presently exists.

January 2007: Group Presentation, "Pennsylvania Gaming Law," W. Edward Sell Chapter of the American Inns of Court, Pittsburgh, Pennsylvania. I participated in a presentation regarding Pennsylvania's gaming law. I have no notes, transcript, or recording. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

December 2006: Co-Presenter, "Labor & Employment Topics," American College of Health Care Administrators. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the American College of Health Care Administrators is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

November 2006: Co-Presenter, "How to Effectively Retain, Present & Cross Examine Expert Witnesses," Employment Law West, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. I spoke about expert witness aspects of employment litigation. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

November 2006: Co-Presenter, "Union Organizing, Corporate Campaigns, the Change to Win Coalition and the Impact on Long-Term Care Employers," American Association for Homes & Services for the Aging. I spoke about compliance with the National Labor Relations Act and its application to long-term care employers. I have no notes, transcript, or recording. The address for the American Association for Homes and Services for the Aging is 2519 Connecticut Avenue, NW, Washington, D.C. 20008.

August 2006: Presenter, "The Ultimate Right to Fire," Sterling Education Services, Pittsburgh, Pennsylvania. I spoke about current issues in labor and employment law and human resource issues involving employee discipline. I

have no notes, transcript, or recording. The address for Sterling Education Services is 3712 Spooner Avenue, Altoona, Wisconsin 54720.

September 2006: Presenter, "The Legality of Workplace Privacy," Sterling Education Services, Pittsburgh, Pennsylvania. I spoke about current issues in employment law pertaining to employee privacy. I have no notes, transcript, or recording. The address for Sterling Education Services is 3712 Spooner Avenue, Altoona, Wisconsin 54720.

June 2006: Co-Presenter: "Labor & Employment Issues," Pennsylvania Directors of Nursing Association. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for the Pennsylvania Directors of Nursing Association is 21863 Deer Run Lane, Shade Gap, Pennsylvania 17255.

June 2006: Co-Presenter, "Healthcare Information Privacy & Security," Annual Meeting, American Health Lawyers Association. I spoke about the Health Insurance Portability and Accountability Act and its application to issues involving health information privacy in the employment context. I have no notes, transcript, or recording. The address for the American Health Lawyers Association is 1620 I Street, NW, Sixth Floor, Washington, D.C. 20006.

May 2006: Teleconference Co-Presenter, "Privacy & Security Enforcement: An In-depth Exploration of Internal Enforcement/Disciplinary Actions," American Health Lawyers Association. I spoke about the Health Insurance Portability and Accountability Act and its application to issues involving health information privacy in the employment context. I have no notes, transcript, or recording. The address for the American Health Lawyers Association is 1620 I Street, NW, Sixth Floor, Washington, D.C. 20006.

April 2006: Co-Presenter, "An Update on Developments In Traditional Labor Law and Union Activity," Ohio Health Care Association. I spoke about compliance with the National Labor Relations Act. I have no notes, transcript, or recording. The address for the Ohio Health Care Association is 55 Green Meadows Drive South, Post Office Box 447, Lewis Center, Ohio 43035.

April 2006: Presenter, "The Legality of Workplace Privacy," American College of Health Care Administrators. I spoke about current issues in employment law pertaining to employee privacy. I have no notes, transcript, or recording. The address for the American College of Health Care Administrators is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

February 2006: Co-Presenter, "Labor & Employment Issues," Leadership Healthcare Pittsburgh, Pittsburgh, Pennsylvania. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. I have no

notes, transcript, or recording. I have no record of the address for Leadership Healthcare Pittsburgh, nor do I believe this organization presently exists.

January 2006: Group Presentation, "Advise & Consent: A Constitutional Limitation on Executive Power, an Example of Overreaching Congressional Oversight, or Simply an Excuse to Play Political Bloodsport with Nominees," American Inns of Court, W. Edward Sell Chapter of the American Inns of Court, Harvard-Yale-Princeton Club, Pittsburgh, Pennsylvania. I participated in a presentation about the confirmation process. I have no notes, transcript, or recording. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

December 2005: Presenter, "The Legality of Workplace Privacy," Winter Marketplace Conference, American College of Health Care Administrators. I spoke about current issues in employment law pertaining to employee privacy. I have no notes, transcript, or recording. The address for the American College of Health Care Administrators is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

November 2005: Presenter, "The Law of Harassment: the Best Defense is a Good Offense," Employment Law West, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. I spoke about current issues in employment law pertaining to workplace harassment. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

May 10 - 13, 2005: Co-Presenter, "Hiring Right – Firing Right Practical Tips to Prevent Being Sued by Your Employee," Lifespan's 24th Annual Conference and Exposition. I spoke about current issues in labor and employment law. I have no notes, transcript, or recording. The address for Lifespan is 7090 Samuel Morse Drive, Columbia, Maryland 21046.

April 2005: Co-Presenter, "An Update on Developments In Traditional Labor Law and Union Activity," Ohio Health Care Association, Columbus, Ohio. I spoke about the application of the National Labor Relations Act. I have no notes, transcript, or recording. The address for the Ohio Health Care Association is 55 Green Meadows Drive South, Post Office Box 447, Lewis Center, Ohio 43035.

March 2005: Presenter, "The Legality of Workplace Privacy," American College of Health Care Administrators. I spoke about current issues in employment law pertaining to employee privacy. I have no notes, transcript, or recording. The address for the American College of Health Care Administrators is 1101 Connecticut Avenue, NW, Suite 450, Washington, D.C. 20036.

February 23 – 25, 2005: Co-Presenter, "An Update on the Fair Labor Standards Act and How the New 'White Collar' Exemption Regulations Will Affect Long

Term Care Facilities,” Long-Term Care and the Law Conference, American Health Lawyers Association. I spoke about current issues regarding the Fair Labor Standards Act. I have no notes, transcript, or recording. The address for the American Health Lawyers Association is 1620 I Street, NW, Sixth Floor, Washington, D.C. 20006.

January 2005: Group Presentation, “New Rules (and Headaches) for Corporate Counsel,” W. Edward Sell Chapter of the American Inns of Court, Pittsburgh, Pennsylvania. I participated in a presentation on current legal developments. I have no notes, transcript, or recording. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

November 2004: Co-Presenter, “Stray Remarks’ and ‘Me Too’ Evidence: Navigating Open Waters in the Third Circuit,” Employment Law West, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. I spoke on evidentiary issues in employment litigation. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

October 13, 2004: Presenter, “Unlawful Harassment,” Clarion County Employers’ Association, Clarion, Pennsylvania. The presentation was on prevention and compliance with workplace laws prohibiting unlawful harassment. I have no notes, transcript, or recording. I have no record of the address for Clarion County Employers’ Association, nor do I believe this organization presently exists.

September 2004: Presenter, “Privacy Issues,” Sterling Education Services, Pittsburgh, Pennsylvania. I spoke about current issues in employment law pertaining to employee privacy. I have no notes, transcript, or recording. The address for Sterling Education Services is 3712 Spooner Avenue, Altoona, Wisconsin 54720.

July, 2004: Presenter, “Overtime Regulations,” Clearfield County Career Link, Clearfield, Pennsylvania. I spoke about the Fair Labor Standards Act. I have no notes, transcript, or recording. The address for the Clearfield County Career Link is 1125 Linden Street, Clearfield, Pennsylvania 16830.

March, 2004: Presenter, “Human Resource Issues,” Clearfield County Career Link, Clearfield, Pennsylvania. I spoke on current issues in employment law and human resource issues. I have no notes, transcript, or recording. The address for the Clearfield County Career Link is 1125 Linden Street, Clearfield, Pennsylvania 16830.

February 2004: Group Presentation, “Jury Selection,” W. Edward Sell Chapter of the American Inns of Court, Pittsburgh, Pennsylvania. I participated in a presentation on the jury selection aspects of litigation. I have no notes, transcript, or recording. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

August 2003: Presenter, "Closely Held Corporations In Pennsylvania – Employment Law Issues," Lorman Education Services, Pittsburgh, Pennsylvania. I spoke on current issues in employment law. I have no notes, transcript, or recording. The address for Lorman Education Services is 2510 Alpine road, Eau Claire, Wisconsin 54703.

April 2003: Co-Presenter, "Americans with Disabilities Act (ADA) Compliance Issues," Labor-Management Relations Conference, Society for Human Resource Management and Indiana University of Pennsylvania, Indiana, Pennsylvania. I spoke on current issues involving the Americans with Disabilities Act. I have no notes, transcript, or recording. The address for Indiana County Society for Human Resource Management is Post Office Box 1252, Indiana, Pennsylvania 15701 and <https://icashrm.shrm.org/>.

January 2003: Presenter, "Hiring and Firing – Conducting Background Checks," Sterling Education Services, Pittsburgh, Pennsylvania. I spoke on current issues involving employment law aspects of employee discipline and background investigations. I have no notes, transcript, or recording. The address for Sterling Education Services is 3712 Spooner Avenue, Altoona, Wisconsin 54720.

2003: Presenter, "Hot Topics in Employment & Human Resource Law," Pennsylvania Directors of Nursing Association, Shade Gap, Pennsylvania. I spoke on current issues in employment law. I have no notes, transcript, or recording. The address for the Pennsylvania Directors of Nursing Association is 21863 Deer Run Lane, Shade Gap, Pennsylvania 17255.

2003: Presenter, "Preventing & Handling Workplace Violence," Annual "It's All About People" Conference, Pennsylvania Association of Non-Profit Homes for the Aging, Hershey Lodge and Convention Center, Hershey, Pennsylvania. I spoke on the employment law aspects of preventing and responding to workplace violence. I have no notes, transcript, or recording. The address for the Pennsylvania Association of Non-Profit Homes for the Aging is 1100 Bent Creek Boulevard, Mechanicsburg, Pennsylvania 17050.

2003: Presenter, "Hot Topics In Employment & Human Resource Law," Spring Conference and Anniversary Celebration, Pennsylvania Association of County Affiliated Homes, Nittany Lion Inn, State College, Pennsylvania. I spoke on current issues in employment law. I have no notes, transcript, or recording. The address for the Pennsylvania Association of County Affiliated Homes is Post Office Box 60769, Harrisburg, Pennsylvania 17106.

2003: Presenter, "How To Successfully Execute An Internal Investigation," Southwestern Pennsylvania Chapter of the American Healthcare Human Resources Society, Hospital Council of Western Pennsylvania, Pittsburgh, Pennsylvania. I spoke on the employment law aspects of conducting internal

corporate investigations. I have no notes, transcript, or recording. The American Healthcare Human Resources Society, now a professional membership group of the American Hospital Association, does not maintain a physical address. It's contact information is available at <https://www.ashhra.org>.

2001: Presenter, "The Legality of Workplace Privacy," Cohen & Grigsby, P.C. Labor & Employment Law Update and Cohen & Grigsby, P.C. Healthcare Labor & Employment Law Update, Pittsburgh, Pennsylvania. I spoke about current issues in employment law pertaining to employee privacy. I have no notes, transcript, or recording. The address for Cohen & Grigsby, P.C. is 625 Liberty Avenue, Fifth Floor, Pittsburgh, Pennsylvania 15222.

2001: Presenter, "Spare the Rod, Spoil the Employee: The Supreme Court Says No!" and "Polishing Employees' Halos: Compliance Programs From a Human Resources Perspective," Cohen and & Grigsby, P.C. Labor and Employment Update, Pittsburgh, Pennsylvania. I spoke on current issues in employment law. I have no notes, transcript, or recording. The address for Cohen & Grigsby, P.C. is 625 Liberty Avenue, Fifth Floor, Pittsburgh, Pennsylvania 15222.

2001: Presenter, "Polishing Employees' Halos: Compliance Programs From a Human Resources Perspective," Cohen & Grigsby, P.C. Healthcare Labor and Employment Update, Hospital Council of Western Pennsylvania, Pittsburgh, Pennsylvania. I spoke on current issues in employment law. I have no notes, transcript, or recording. The address for Cohen & Grigsby, P.C. is 625 Liberty Avenue, Fifth Floor, Pittsburgh, Pennsylvania 15222.

2000: Presenter, "Hot Topics in Labor & Employment Law," Pennsylvania Directors of Nursing Association, Annual Convention, Hershey, Pennsylvania. The Presentation was on employment laws applicable to long-term care facilities. I spoke on current issues in labor and employment law. I have no notes, transcript, or recording. The address for the Pennsylvania Directors of Nursing Association is 21863 Deer Run Lane, Shade Gap, Pennsylvania 17255.

2000: Presenter, "Human Resources 101," Center for Assisted Living Management, Monroeville, Pennsylvania. The presentation was on employment laws applicable to long-term care facilities. I spoke on current issues in employment law. I have no notes, transcript, or recording. I have no record of the address for Center for Assisted Living Management, nor do I believe this organization presently exists.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

*Symposium Focuses on Hiring, Firing, Workplace Issues – Here & Gone*, Butler

Eagle, Nov. 1, 2016. Copy supplied.

Margo Schlanger and Pauline Kim, *The Equal Employment Opportunity Commission and Structural Reform of the American Workplace*, 91 Wash. U. L. Rev. 1519 (2014). Copy supplied.

Patty Tascarella, *Fish Sandwich Chronicles*, Pittsburgh Business Times, Mar. 23, 2012. Copy supplied.

*Insights Column: What's the Worst Mistake You've Seen on a Resume*, Pittsburgh Business Times, June 10, 2011. Copy supplied.

*Employers need to prepare for FMLA changes coming next year, experts say*, Pittsburgh Business Times, December 29, 2008. Copy supplied.

*Work Wise*, The Courier, Oct. 3, 2007. Copy supplied.

*Strategic Decision: KU Resources grows staff, bottom line by hiring seasoned employees from former competitor*, Pittsburgh Business Times, Jan. 16, 2006. Copy supplied.

*Ask Inc. Column*, Inc. Magazine, Nov. 2005. Copy supplied.

Jim McCay, *State Law Eases Fallout from U.S. Overtime Rules*, Pittsburgh Post-Gazette, Aug. 24, 2004. Copy supplied.

Daniel Casciato, *Seventeen ACBA Members Participate in U.S. Supreme Court Admission Ceremony*, Lawyers Journal, June 28, 2002. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_

- i. Of these, approximately what percent were:

jury trials: \_\_\_\_\_%  
bench trials: \_\_\_\_\_% [total 100%]

civil proceedings: \_\_\_\_\_%  
criminal proceedings: \_\_\_\_\_% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and

dissents.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
  - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
  - e. Provide a list of all cases in which certiorari was requested or granted.
  - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public office. I have not been an unsuccessful candidate for elected office or an unsuccessful nominee for public office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held office in any political party, election committee or political campaign. I am registered to vote.

To the best of my recollection, I participated as a campaign volunteer (stuffing envelopes and related clerical tasks on one or two occasions) while in college (sometime approximately in 1990 or 1991) on behalf of then-candidate Anthony J. Vardaro for the Court of Common Pleas of Crawford County, Pennsylvania.

I participated as a campaign volunteer (making telephone calls, stuffing envelopes and related clerical tasks on a few occasions) sometime approximately in 1996 or 1997 on behalf of Frank G. Salpietro, who was a candidate for the Court of Common Pleas of Allegheny County, Pennsylvania.

I had been a member of the Republican National Lawyers Association. I also served as a volunteer attorney in Pittsburgh on Election Day in November 2008 and November 2012. I primarily fielded basic election law questions telephonically from poll observers and occasionally was dispatched to voting precincts to do so in person.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

While I have not served as a clerk to a judge post-law school graduation, I did serve as an unpaid judicial intern as a law student during the summer of 1994 for the Honorable Timothy K. Lewis, Judge on the United States Court of Appeals for the Third Circuit, and the Honorable Gustave Diamond, Judge on the United States District Court for the Western District of Pennsylvania.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

2010 – Present

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One PPG Place

Suite 1900

Pittsburgh, Pennsylvania 15222

Board of Directors (2018 – Present)

Pittsburgh Office Managing Shareholder (2012 – 2018)

Shareholder (2010 – Present)

1997 – 2010

Cohen & Grigsby, P.C.

625 Liberty Avenue

Pittsburgh, Pennsylvania 15222

Deputy Group Head, Labor and Employment Practice Group (2007 – 2010)

Director (Partner) (2004 – 2010)

Associate (1997 – 2003)

1996 – 1997

Meyer Unkovic & Scott, LLP

535 Smithfield Street, Suite 1300

Pittsburgh, Pennsylvania 15222

Associate

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant

matters with which you were involved in that capacity.

I served on a panel of arbitrators on one occasion for a matter in the Allegheny County Court of Common Pleas, Civil Division.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

From 1996 to 1997, as an associate at Meyer Unkovic & Scott, LLP, the focus of my practice was on civil litigation and employment law involving cases in federal and state courts at the trial and appellate levels. I prepared pleadings, motions, briefs, and internal memoranda; served and responded to written discovery; presented motions and tried arbitration cases in the Civil Division of Court of Common Pleas of Allegheny County; and on occasion provided client counseling. I also provided assistance in connection with a federal jury trial and subsequent appeal on behalf of a financial institution adverse to a corporate depositor.

From 1997 to 2010, as an associate and then as a director (partner) at Cohen & Grigsby, P.C., the focus of my practice was on labor and employment and commercial matters involving cases in federal and state courts at the trial and appellate levels; matters before federal, state, and local governmental agencies such as the U.S. Equal Employment Opportunity Commission ("EEOC"), U.S. Department of Labor ("DOL"), National Labor Relations Board ("NLRB"), and the Pennsylvania Human Relations Commission ("PHRC"); commercial and labor arbitrations before private arbitrators selected from panels of the American Arbitration Association ("AAA") and Federal Mediation and Conciliation Service ("FMCS"); labor negotiations on behalf of unionized employers; training of managers and rank-and-file employees on workplace harassment and other legal compliance topics; conducting, directing, and overseeing workplace investigations; drafting and scrutinizing employee handbooks, workplace policies, corporate compliance programs and codes of ethics; assessing the legality of reductions-in-force programs; drafting and negotiating employment agreements, severance agreements, and non-competition, non-solicitation, and confidentiality agreements; advising employers on the labor and employment implications of mergers, acquisitions and other business transactions; and generally providing advice and counseling principally on labor and employment matters. I also advised and defended higher education clients in faculty promotion/tenure disputes and other legal issues specific to higher education institutions.

From 2010 to present, in private practice at Ogletree, Deakins, Nash,

Smoak & Stewart, P.C., the general character of my law practice has continued mostly as it had at Cohen & Grigsby. In addition to the foregoing, I have taken on an increased role as lead counsel in class and collective actions, along with oversight of other attorneys and a greater degree of law firm management responsibilities.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

From 1996 to 1997, in private practice at Meyer Unkovic & Scott, LLP, my clients were typically corporations.

From 1997 to 2010, in private practice at Cohen & Grigsby, P.C., my clients typically were businesses (corporations, LLCs, partnerships, and sole proprietorships), governmental and quasi-governmental agencies (such as municipalities, authorities, commissions, and a central bank), and non-profit organizations (including acute care health systems, community hospitals and religiously affiliated hospitals, long-term care facilities, colleges, social service agencies), and individuals.

From 2010 to present, in private practice at Ogletree, Deakins, Nash, Smoak & Stewart, P.C., my clients typically have been businesses (corporations, LLCs, and partnerships), and non-profit organizations (including health systems, hospitals, long-term care providers, colleges and universities, social service agencies, trade association), and individuals.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

A substantial portion of my practice involves litigation or mainly relates to litigation or in anticipation of litigation. I have appeared in court frequently, with the approximate breakdown by forum below:

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 70%
  - 2. state courts of record: 10%
  - 3. other courts: 10%
  - 4. administrative agencies: 10%\*

\*Note: Many federal employment cases must first be addressed by an administrative agency as a condition precedent to commencing court action. My cases at administrative agencies that were precursors to civil action in federal court are not included within the allocation of administrative agency matters referenced above.

ii. Indicate the percentage of your practice in:

1. civil proceedings: 99.9%
2. criminal proceedings: 0.1%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have been counsel of record in three civil trials tried to verdict, judgment or final decision rather than settled:

In *Walters v. Omnova Solutions*, No. 2:01-cv-02385-GLL (W.D. Pa.) (Lancaster, J.), I served as associate counsel on behalf of defendant Omnova Solutions for this jury trial with responsibility for the opening statement, the examination of witnesses, and the preparation, presentation and argument of various motions and briefs.

In *Moyer v. J.C. Penney*, Civil Action No. 09-C-368 (Circuit Court of Wood County, WV) (Bean, J.), I served as chief counsel on behalf of defendant J.C. Penney for this jury trial with responsibility for the opening statement, the direct and cross examination of all witnesses, the presentation of all motions and proposed jury instructions, and closing argument.

In *Diane Inserra, M.D. v. Allegheny Clinic (f/k/a Allegheny Specialty Practice Network) and Tony Farah, M.D.*, G.D. 14-008013 (Allegheny County CCP) (Ward, J.), I served as chief counsel on behalf of Allegheny Clinic and Dr. Farah. I presented opening statements, direct and cross examination of several witnesses including the plaintiff and key defense witnesses such as Dr. Farah who was the then-president of the Allegheny Clinic and Allegheny Health Network's then-Chief Medical Officer.

As an associate at Cohen & Grigsby, I provided substantial assistance to counsel of record during a jury trial and subsequent appeal in *Fuller et al v. South Hills Health System, et al*, No. 2:98-cv-01822-KJB (W.D. Pa.) (Benson, M.J.), on behalf of defendants South Hills Health System and Charles Snyder.

As an associate at Meyer, Unkovic & Scott, I provided substantial assistance to counsel of record during a jury trial in *Kaiser Aluminum v. Mellon Bank, N.A.* No. 2:96-cv-00399-DJL (W.D. Pa.) (Lee, J.) on behalf of defendant Mellon Bank.

In addition to the foregoing, I have served as chief counsel, sole counsel, or associate counsel in numerous arbitrations (mostly AAA or FMCS-administered), along with other adjudications before administrative agencies, that were tried to

award, judgment, or final decision rather than settled.

- i. What percentage of these trials were:
  1. jury: 80%
  2. non-jury: 20%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I drafted and filed a Brief for Respondent in Opposition to a Petition for Writ of Certiorari in *Horvat v. PJAX, Inc.*, No. 04-10121. The underlying case docket numbers are: No. 2:01-cv-01765-WLS (W.D. Pa.) (Standish, J.) and No. 04-2533 (3<sup>rd</sup> Cir.). A printout of an electronic copy of this brief is supplied.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Burnett v. Clearfield Hospital*, No. 3:00-cv-00166-DAA (W.D. Pa.) (Ambrose, J.), and No. 02-4503 (3<sup>rd</sup> Cir. 2003) (Alito, Fuentes, and Becker, JJ.) (per curiam)

I served as co-counsel to defendant Clearfield Hospital in this action filed by a nurse alleging violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 et seq. After completing discovery I presented defendant's successful motion for summary judgment dismissing the case. I continued as co-counsel on appeal to the United States Court of Appeals for the Third Circuit, wherein I drafted the briefs and presented oral argument, ultimately securing an affirmance of the entry of summary judgment.

I worked on this case from 2000 until 2003.

Plaintiff's Counsel:  
Stephen D. Wicks

109 Lakemont Park Boulevard  
Altoona, Pennsylvania 16602  
(814) 946-4366

Co-Counsel for Defendant:  
James B. Brown  
Cohen & Grigsby  
625 Liberty Avenue  
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(412) 297-4900

2. U.S. Equal Employment Opportunity Commission (EEOC) v. PJAX, Inc., No. 2:03-cv-00759-TFM-IJS (W.D. Pa.) (McVerry, J.) (Sensenich, M.J.); EEOC v. PJAX, Inc., No. 1:03-cv-01535-JFM (D.Md.) (Motz, J.); and EEOC v. PJAX, Inc., No. 1:00-cv-02775-JFM (D. Md.) (Motz, J.)

I served as co-counsel to defendant PJAX, Inc. in these cases involving the EEOC's investigation of discriminatory hiring practices and its separate yet parallel investigation into an alleged sexually hostile work environment that led to civil actions filed by EEOC concurrently in the Western District of Pennsylvania and in the District of Maryland. Ultimately, we settled these cases pursuant to two separate consent decrees setting forth monetary payments in the aggregate amount of approximately \$2.5M, along with various types of non-monetary terms.

I worked on these cases and their precursor administrative proceedings from 1999 to 2003.

Plaintiff's Counsel in No. 2:03-cv-00759-TFM-IJS (W.D.Pa.) (McVerry, J.) (Sensenich, M.J.):  
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Equal Employment Opportunity Commission  
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M. Jean Clickner  
U.S. Equal Employment Opportunity Commission  
1001 Liberty Avenue

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Co-Counsel for Defendant in No. 2:03-cv-00759-TFM-IJS (W.D.Pa.) (McVerry, J.)  
(Sensenich, M.J.):  
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John Lyncheski  
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(412) 297-4900

Plaintiff's Counsel in No. 1:03-cv-01535-JFM (D.Md.) (Motz, J.):  
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Debra Michele Lawrence, Supervisory Trial Attorney  
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Co-Counsel for Defendant in No. 1:03-cv-01535-JFM (D.Md.) (Motz, J.):  
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Plaintiff's Counsel in No. 1:00-cv-02775-JFM (D. Md.) (Motz, J.):  
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Co-Counsel for Defendant in No. 1:00-cv-02775-JFM (D. Md.) (Motz, J.):  
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3. Iqbal, M.D. v. Butler Health System d//b/a Butler Memorial Hospital, No. AD 06-10852 (Butler County CCP) (Horan, J.)

I served as lead counsel (upon entering my appearance early in the pleading stage of the case) in defense of Butler Memorial Hospital (the "Hospital") in this action, which involved the plaintiff nephrologist's claims for alleged interference with contractual relations and prospective contractual relations. Plaintiff also sought an injunction to compel the Hospital to submit a report to the Pennsylvania Board of Medical Examiners and/or the National Practitioner Data Bank to "void" an earlier report that disclosed the Hospital's denial of his medical staff application. Issues in the case included due process afforded during the Hospital's peer medical staff credentialing process, the exhaustion of statutory and administrative remedies, and whether the Health Care Quality Improvement Act ("HCQIA"), 42 U.S.C. § 11101 et seq., provides a private right of action, whether the Hospital's decisions concerning Plaintiff constitute a "professional review action" within the meaning of the HCQIA so as to afford the Hospital civil immunity, and whether, or to what extent, it may require or otherwise permit a court to compel a statutorily defined "professional review body" such as the Hospital to make a "voiding" report to the National Practitioner Data Bank.

Ultimately, on May 3, 2012, the Court granted the Hospital's motion for summary judgment dismissing all claims, and in doing so determined that the Hospital was entitled to HCQIA immunity and was also exculpated by a valid release.

I worked on this case from 2006 to 2012.

Plaintiff's Counsel:  
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John W. Jordan IV  
Formerly of Gaca Matis Baum & Ricca  
Current contact information unknown

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Prior Co-Counsel for Defendant:  
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Phil Zarone  
Horty, Springer & Mattern, P.C.  
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4. *Reardon v. ClosetMaid Corporation*, No. 2:08-cv-01730-MRH (W.D. Pa.)  
(Lancaster, J.) (Hornak, J.)

I took over as lead counsel for defendant ClosetMaid Corporation in this Fair Credit Reporting Act (“FCRA”) class action case pertaining to putative class members who had applied for employment with ClosetMaid during a nine (9) year period and who, during the job application process, executed disclosure and authorization forms ostensibly permitting ClosetMaid to procure their consumer reports from consumer reporting agencies, along with a putative sub-class consisting of applicants allegedly adversely affected by negative information contained in their consumer reports. After extensively litigating issues pertaining to class certification, class notice, and the merits on cross-motions for summary judgment, I led the trial preparation on all remaining issues, including numerous motions *in limine*, other pre-trial motions, and proposed jury instructions.

I ultimately negotiated a settlement with class counsel six (6) days before this class action jury trial was scheduled to commence, and then litigated and subsequently mediated Class Counsel’s fee petition to final resolution.

I worked on this case from 2010 until 2015.

Plaintiff's Counsel:

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(757) 930-3660

James M. Pietz  
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5. *Heard v. Waynesburg University*, No. 2:09-cv-01315-RCM (W.D. Pa.) (Schwab, J.) (Mitchell, M.J) and No. 10-4207 (3<sup>rd</sup> Cir. 2011) (Smith, Chagares and Vanaskie, JJ.)

I served as lead counsel to defendant Waynesburg University in this action filed by its former head wrestling coach asserting race discrimination, hostile work environment, and retaliation claims under Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e *et seq.*, 42 U.S.C. § 1981, and the Pennsylvania Human Relations Act ("PHRC"), 43 P.S. § 951 *et seq.* We secured summary judgment dismissing the case in its entirety. I continued as lead counsel on appeal to the United States Court of Appeals for the Third Circuit, securing an affirmance of the entry of summary judgment.

I worked on this case from 2009 until 2011.

Plaintiff's Counsel:

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Liberty Center  
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6. *Onesi et al v. The Pennsylvania State University*, No. 2:11-cv-00928-LPL (W.D. Pa.) (Lenihan, M.J.)

I served as lead counsel for defendant Pennsylvania State University in this seven count employment discrimination and retaliation action filed by two then-currently employed administrators working in the Office of Academic Affairs at Penn State Fayette, Eberly Campus, who asserted claims pursuant to the Age Discrimination in Employment Act (“ADEA”), Title VII of the Civil Rights Act (“Title VII”), the Americans with Disabilities Act (“ADA”), the Family and Medical Leave Act (“FMLA”), and the Pennsylvania Human Relations Act (“PHRA”). After extensive discovery, I led negotiations at two separate mediations that resolved all claims.

I worked on this case from 2011 to 2012.

Plaintiffs' Counsel:

James B. Lieber  
Thomas Huber  
Lieber Hammer Huber & Bennington, P.C.  
5528 Walnut Street  
Pittsburgh, Pennsylvania 15232

Co-Counsel for Defendant:

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Senior Attorney  
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Philip K. Kontul  
Thomas A. Smock  
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7. *Amerex Environmental Technologies, Inc. et al v. Foster*, No. 2:11-cv-00349  
(W.D. Pa.) (Bissoon, J.) (Eddy, M.J.)

*See also Amerex Environmental Technologies Inc., Joe Pircon, Brian McMahon v. John Foster*, No. 12-B-0641-S (N.D. Ala.); *Amerex Environmental Technologies Inc., Joe Pircon, Brian McMahon v. John Foster*, No. 1:12-cv-00643 (N.D. Ill.); *John Foster v. Amerex Environmental Technologies Inc. f/k/a A-3 Acquisition Corp.*, No. 11-CH-3226 (Ill. Circuit Court, Kane County) (Mueller, J.); *Amerex Environmental technologies, Inc. v. John Foster v. Amerex Environmental Technologies, Inc. and Brian McMahon*, No. GD 11-005931 (Allegheny County, CCP); *Amerair Industries, LLC et al v. Amerex Environmental Technologies, Inc. et al*, No. 1:12-mi-00025-TCB-JFK (N.D. Ga.); and *John foster v. A-3 Acquisition corp., n/k/a Amerex Environmental Technologies, Inc.*, AAA Case No. 55-180-E-00084-11.

I served as lead counsel to defendant and counterclaimant John Foster, as well as Amerair Industries, in these related cases involving claims for breach of contract involving non-disclosure, non-solicitation, and non-competition covenants, breach of fiduciary duty, misappropriation of trade secrets, breach of a loan agreement, and invasion of privacy, principally arising from a dispute between the parties over whether or to what extent it was permissible for Mr. Foster, an engineer and investor, to leave his employer to work for a competitor in an industry focused on delivering advanced pollution control systems intended to assist power plants to reduce air pollution in order to comply with anticipated regulations then expected to be promulgated by the Environmental Protection Agency

("EPA"). After engaging in substantial discovery and motions practice spanning across several jurisdictions, the parties and their key principles participated in an extensive multi-day settlement conference facilitated by a federal Magistrate Judge wherein I led settlement negotiations on behalf of the "Foster parties" that ultimately resulted in a global settlement of all claims in all related pending matters.

I worked on this case from 2011 to 2013.

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A. Craig Cleland  
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191 Peachtree Street, N.E.  
Atlanta, Georgia 30303  
(404) 881-1300

8. *Harris v. Vitran Express, Inc. et al*, No. 2:14-cv-00704-CRE (W.D. Pa.) (Eddy, M.J.) and *Vitran Express, Inc. v. Harris*, No. 2013-11039 (Butler County, CCP) (Yeager, J.)

I served as lead counsel to Vitran Express, Inc., Vitran Express Canada, Inc., Vitran Corporation, Inc., Data Processing, LLC, HR-1 Corporation, and CT Transport, Inc. a/k/a Central Transport, Inc., in these related cases principally concerning the parties' respective rights and obligations, if any, pursuant to former executive Harris' fiduciary and contractual duties set forth in his Executive Employment Agreement and Retention Incentive Agreement, as well as Harris' subsequently filed race discrimination claim pursuant to Title VII of the Civil Rights Act of 1964, as amended. We secured summary judgment dismissing Harris' race discrimination claim and ultimately negotiated a full resolution of all remaining claims.

I worked on this case from 2014 to 2017.

Plaintiff's Counsel:  
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Cafardi Ferguson Wyrick Weis and Stotler LLC  
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9. *SEIU Healthcare Pennsylvania v. Allegheny General Hospital, Allegheny Valley Hospital, and Canonsburg Hospital* (Arbitrator Carole Katz)

I served as lead counsel to three of AHN's acute care hospitals in this consolidated labor arbitration involving SEIU Healthcare Pennsylvania's ("SEIU" or the "Union") class action grievances lodged on behalf of nine (9) separate bargaining units who are parties to eight (8) separate collective bargaining agreements with these hospitals. These grievances challenged decisions made by the Plan Administrator of AHN's 403(b) Retirement Savings Plan to retain an existing Fund Sponsor while eliminating another Fund Sponsor. Key issues in the case included whether the Plan Administrator's elimination of a Fund Sponsor was a breach of any of the eight applicable collective bargaining agreements; whether the hospitals had a contractual or statutory duty to bargain with the Union in relation to any of these nine bargaining units before implementing such changes to its Retirement Savings Plan; whether there were any implications to the parties' respective rights and obligations, if any, caused by external law (e.g., the NLRA, the Internal Revenue Code ("IRC"), the Employee Retirement Income Security Act of 1974 ("ERISA"), etc.); and, damages and other remedies per applicable law and proofs to the extent any such duties existed and were breached.

On November 1, 2018, Arbitrator Carole Katz issued her award denying the Union's grievances and finding that AHN's hospitals did not breach the collective bargaining agreements, nor did they breach any duty to bargain with the Union.

I worked on this case in 2018.

Opposing Counsel:  
Steven Grubbs  
SEIU Healthcare Pennsylvania  
1500 North Second Street  
Harrisburg, Pennsylvania 17102  
(717) 433-8010

10. *Pennsylvania Restaurant and Lodging Association, Storms Restaurant and Catering LLC d/b/a Storms Restaurant, Lawrenceville Brewery Inc., d/b/a the Church Brew Works, 1215 Incorporated, d/b/a Rita's Italian Ice, Dirt Doctors Cleaning Service LLC, and Modern Café Inc., Appellees, v. City of Pittsburgh, Service Employees*

International Union, Local 32BJ, Appellants, Nos. 57-58, 63-64 WAP 2017 (Pa. Supreme Court)

I briefed and filed an *amicus curiae* brief on behalf of the Restaurant Law Center in support of Appellees who sought to uphold two lower court decisions which had invalidated the City of Pittsburgh's Paid Sick Leave Ordinance. The Restaurant Law Center is a public policy organization affiliated with the National Restaurant Association.

In July 2019, the Pennsylvania Supreme Court issued its ruling that overturned the lower courts' decisions thus upholding the validity of the ordinance.

I worked on this case in 2018.

Co-Counsel for *Amicus* Restaurant Law Center:

Angelo I. Amador  
Restaurant Law Center  
2055 L Street, NW, Seventh Floor  
Washington, D.C. 20036  
(202) 331-5913

Note: Many additional *amici* filed briefs in this case supporting either appellants or appellees. Those parties and counsel of record are not listed here but are available for reference on the court's docket.

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Counsel for Appellants:

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Jordan Berson Yeager  
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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

My most significant legal activities have involved litigation or the preparation for litigation, including matters before administrative agencies as a statutorily mandated precursor to litigation, and also including labor and commercial arbitrations and other administrative proceedings. These activities include: pre-suit client counseling, strategy development, case management, and participation in judicial case management conferences and status conferences; participating in mediations, early neutral evaluations and other settlement negotiations; preparing and overseeing the preparation of pleadings, motions, and briefs and related oral arguments; conducting and overseeing discovery, including depositions; preparing for and participating in hearings, oral arguments and trials; and appeals. Additionally, my pre-litigation work includes internal workplace investigations that, at times, leads to employee discipline or discharge, and sometimes I am engaged by clients to negotiate the terms of separation of highly placed executives or other employees from their employment. These matters are subject to attorney-client privilege as well as confidential settlement agreements between the companies and separated employees.

A few additional exemplars of my litigation work include:

In *Flores v. Express Services, Inc. et al*, No. 2:14-cv-03298-HB (E.D. Pa.) (Bartle, J.), I served as lead counsel for defendants in this Fair Credit Reporting Act ("FCRA") class action throughout the pleading, discovery, and mediation phases of this case, which

involved approximately 36,848 putative class members and resulted in a court-approved settlement fund of \$5.75M.

In *Sheldone v. Pennsylvania Turnpike Commission*, No. 2:99-cv-01650-FXC, 104 F.Supp.2d 511 (W.D. Pa.2000) (Caiazza, M.J.), I was co-counsel for the Pennsylvania Turnpike Commission in this Fair Labor Standards Act ("FLSA") lawsuit wherein I briefed and Presented oral argument successfully establishing the existence and contours of a federal mediation privilege.

In addition to litigation activities, my other significant legal activities have included advising and counseling companies to manage their workforces in a legally compliant way, drafting and negotiating executive employment agreements, non-competition, non-solicitation, and other restrictive covenants, drafting and negotiating severance agreements, and drafting and negotiating collective bargaining agreements. By way of example, I have been serving organizations such as the Allegheny Health Network, Penn State Health Hershey Medical Center, and Butler Health System, among others, as their labor and employment counsel. In doing so, I have worked with their senior leadership teams to formulate strategies and I have negotiated collective bargaining agreements on their behalf with various bargaining units, notably registered nurses and technical, service, and business office clerical employees.

I have not performed lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Guest Lecturer on Appellate Advocacy, University of Pittsburgh School of Law (Once during Spring Semester 2003 and again on February 24, 2004).

Guest Lecturer on Employment Law, University of Pittsburgh School of Law (One or two occasions approximately in 2008).

Guest Lecturer on Labor and Employment Laws for MBA Students, Katz School of Business, University of Pittsburgh (July and November 2007 and on one or two occasions approximately in 2008).

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I would be entitled to receive repayment of my capital contributions paid into Ogletree Deakins within two years of my resignation from the firm. I similarly would be entitled

to repayment of contributions I've made into Ogletree Deakins' Non-Qualified Retirement Plan. Also, depending on the time of year, I may be entitled to receive a bonus or distribution payment earned from the prior year.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments, or agreements to pursue outside employment.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would recuse myself from any case in which I have participated as an attorney, and likewise would apply 28 U.S.C. § 455(b) (2) to other matters as applicable. And, for a period of time, I would also recuse myself from all cases where my current firm, Ogletree Deakins, represents a party.

My brother-in-law, John F. Doherty, currently is associate city solicitor for the City of Pittsburgh and so I would apply 28 U.S.C. § 455(b)(5) to matters in which he is acting as a lawyer, if any, and thus recuse myself from those matters.

I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis, and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association’s Code of Professional Responsibility calls for “every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have provided *pro bono* services throughout my legal career. At times approximately between 1996 and 2000, I handled PFA matters through Neighborhood Legal Services in Allegheny County, Pennsylvania, and I provided initial client counseling at a homeless shelter. I participated in a program through Duquesne University known as Career Literacy for African American Youth (“CLAAY”) whereby I mentored high school students at Brashear High School at lunchtime on a bi-weekly basis (dates unknown). I have also provided *pro bono* legal advice and services to Good Samaritan Hospice of Pittsburgh (1998 – approximately 2008), the Sen. John Heinz History Center (2009 – Present), and the Laurel Highlands Council of the Boy Scouts of America (and its predecessor the Greater Pittsburgh Council) (2009 - Present).

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I submitted questionnaire responses and related materials to the bipartisan selection committee of Senators Toomey and Casey via email on March 18, 2019. I interviewed with the bipartisan selection committee in Pittsburgh, Pennsylvania, on April 16, 2019.

I interviewed with Senator Toomey in Washington, D.C., on June 11, 2019, and with Senator Casey in Washington, D.C., on July 17, 2019. I had a follow-up telephonic interview with members of Senator Casey’s staff on August 15, 2019.

I interviewed with attorneys from the White House Counsel’s Office and the Office of Legal Policy of the Department of Justice in Washington, D.C., on

August 28, 2019.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.